

Appl. No.: 10/017,398
Reply to Office Action of September 21, 2005

Amendments to the Drawings:

The attached sheets of drawings are formal drawings of Figs. 1-6 that replace the originally filed drawings. Additionally, Fig. 2b has been amended to identify the payload as element 209.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

The Office Action of September 21, 2005, has been carefully reviewed and these remarks are responsive thereto. Claim 21 has been amended. Claim 38 has been cancelled. Claim 39 has been added. No new matter has been added. Claims 1-37 and 39 remain pending after entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

Amendments to the Specification

In response to the Examiner's objection, Applicant has amended the language used to describe figures 1-4d as "prior art."

Claim Objections

Applicant has amended claim 21 to correct the typographical error identified by the Examiner. With respect to the objection regarding the placement of the first page of the claims, Applicant does not understand the objection. Applicant's copy of the application as filed shows that the claims begin on a new page, and are on pages 17-30, between the detailed description and the abstract. As such, Applicant requests further clarification and explanation in order to fix this informality if any such informality exists.

Drawings

Per the Examiner's instructions, the Applicant has labeled the payload described in Fig. 2b as element 209. Applicant has further prepared formal drawings for all figures (i.e., Figs. 1, 2A, 2B & 3-6). Replacement sheets containing Figs. 1-6 and in compliance with 37 C.F.R. §1.121(d) are included herewith.

Claim Rejections Under 35 U.S.C. §102(e)

Claim 38 stands rejected under 35 U.S.C. §102(e) as being anticipated by Takeda *et al.* (U.S. Patent Publ. No. 2001/0048686, hereinafter "Takeda"). Since claim 38 has been cancelled, this rejection is rendered moot.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bertrand *et al.* (U.S. patent No. 6,687,252, hereinafter “Bertrand”) in view of Takeda. This rejection is respectfully traversed for the following reasons.

Independent claims 1, 8, 20, 28, 31 and 32 all relate to, *inter alia*, a GGSN assigning one of a private network address and a public network address to a mobile station based on information contained in an APN field of a Create PDP Context Request message. The information contained in the APN field is transmitted by the requesting mobile terminal and relates to a request for one of a private network address and a public network address. Neither Bertrand nor Takeda, either separately or in combination, teaches or suggests such a feature. While Bertrand and Takeda both disclose an APN field, neither one teaches or suggests that the assignment of a private or a public network address is based on information in the APN field related to the request by the mobile station.

In Bertrand, a GGSN uses an APN to deduce VPN and L2TP tunnel parameters. Col. 4, ll. 50-55, Col. 7, ll. 2-12. In addition, the APN contains authorization for the GPRS to set up a tunnel and the alternate routes to a corporate LAN. Col. 7, ll. 20-26. It should be noted that neither of these two functions relate to the actual allocation of an IP address to the mobile terminal. As such, Bertrand fails to teach or suggest that the assignment of an IP address (i.e., network address) is *based on information in the APN field of a Context Request message relating to a mobile terminal's request for one of a private network address and a public network address*. Bertrand's use of APN fields and its process for allocating IP addresses are entirely distinct. Additionally, Bertrand discloses that it is a Radius Server (RS) that actually finds (i.e., allocates) an IP address for the mobile terminal in response to a Radius Access Request message from the GGSN. Col. 5, ll. 16-31. Nowhere does Bertrand teach or suggest that information in the APN is either sent to or considered by the RS during the allocation process. Applicant's specification discloses that, in one example, the APN field in the Activate PDP Context Request message may indicate that a public IP address is desired. P. 12, ¶ 33. In consideration of such an indication in the APN field, the GGSN would return a message containing (i.e., assign) a public IP address to the mobile terminal. *Id.* Bertrand lacks any teaching or suggestion of a mobile terminal providing any such indication or information, much less a GGSN basing an IP address assignment on such an indication or information. Thus, there would be no motivation for

Bertrand to use information stored in the APN fields (or even the APN fields themselves) in the actual allocation or assignment of IP addresses.

Even in view of Takeda, the combination would fail to teach or suggest the assignment of network addresses based on information in the APN field of a Context Request message relating to a mobile terminal's request for one of a private network address and a public network address. At best, Takeda discloses, on pp. 5-6, ¶ 91, the use of APNs to allow a gateway node to identify a communication network corresponding to the communication requested by a mobile terminal. As with Bertrand, Takeda does not teach or suggest any information in the APN that would be used during the actual IP address allocation process. In other words, an APN that merely identifies a gateway node would not have much to contribute in determining which IP address (or type of IP address) to assign a mobile terminal. Takeda fails to contradict this sentiment. Additionally in Takeda, it is the DHCP server that assigns the IP address to the mobile terminal, not the gateway node. P. 6, ¶ 95. Even so, Takeda does not teach or suggest that the DHCP, in allocating IP addresses, evaluates or receives any information contained in the APN relating to the mobile terminal's request for one of a public network address or a private network address. Neither Bertrand nor Takeda provides any independent motivation or suggestion to combine the use of APNs with the assignment of network addresses in the manner suggested by the Applicant. The Office Action may not use Applicant's invention as a blueprint for combining two distinct components/features (e.g., allocation of IP addresses and APNs) found in Bertrand and Takeda. As such, claims 1, 8, 20, 28 and 32 are allowable for at least this reason.

Claims 2-7, 9-19, 21-27, 29, 30 and 33-37 are allowable for at least the same reasons as their respective base claims and further in view of the novel and non-obvious features recited therein. For example, claims 3, 15, 23 and 33 relate to, *inter alia*, information contained in the APN field of the Activate PDP Context Request message explicitly indicating one of a private network address and a public network address. As discussed on p. 13 of Applicant's specification, the inserted information (in the APN field) relating to whether a public or a private address assignment is desired can be an explicit indication, such as a particular bit (or bits) of the APN field being set, such as is claimed in claims 3, 15, 23 and 33. Neither Bertrand nor Takeda, separately or in combination, teaches or suggests such a feature. The Office Action even admits this deficiency of Bertrand. Instead, the Office Action alleges that ¶¶ 26, 89 and 90 of Takeda disclose an "APN field containing information relating to a request for one of a private network

address and a public network address.” Even assuming the validity of such an allegation, merely containing information relating to a request is distinguishable from containing information in the APN field *explicitly indicating* one of a private network address and a public network address. Significantly, the cited passages only disclose an APN for identifying a gateway node. There is no teaching or suggestion that the APN field includes any explicit indicators of whether a private network address or a public network address is being requested. Claims 3, 15, 23 and 33 are thus allowable for this additional reason.

Claim Rejections Under White et al.

Claims 7, 19, 27, 30 and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bertrand in view of Takeda and further in view of White *et al.* (U.S. Patent Publ. No. 2003/0081578, hereinafter “White”). This rejection is respectfully traversed for the following reasons.

Claims 7, 19, 27, 30 and 37 all relate to a GPRS-based communications network that is a Universal Mobile Telecommunications System. The Office Action, on page 23, concedes that Bertrand does not disclose such a feature. Takeda also fails to teach or suggest a GPRS-based network that is a Universal Mobile Telecommunications System. White is further unable to cure the deficiencies of Bertrand and Takeda in view of the 37 C.F.R. §1.131 Declaration (131 Declaration) filed herewith showing Applicant’s conception and diligence prior to White’s date of filing. As such, claims 7, 19, 27, 30 and 37 are allowable for this additional reason.

New Claim

New claim 39 recites, *inter alia*, “the Activate PDP Context Request message having an APN field containing one or more parameters indicating a type of requested network address, wherein the type is one of a private network address and a public network address.” Neither Bertrand nor Takeda, separately or in combination, teaches or suggests such a feature. Although both Bertrand and Takeda disclose APNs, neither teaches or suggests that the APN contains a parameter indicating a type of requested network address. In fact, nowhere does Bertrand or Takeda disclose that a mobile terminal can request a specific type (i.e., private or public) of network address. Claim 39 is thus allowable for at least this reason.

CONCLUSION


Appln. No.: 10/017,398
Reply to Office Action of September 21, 2005

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: Jan. 20, 2006

By: 
Ross A. Dannenberg, Reg. No. 49,024

1001 G Street, N.W.
Washington, D.C. 20001-4597
Tel: (202) 824-3000
Fax: (202) 824-3001

RAD/CAM